

IN THE SUPREME COURT OF THE STATE OF DELAWARE

| | |
|--------------------|-------------------------------------|
| PATRICK F. CROLL, | § |
| | § No. 158, 2012 |
| Defendant Below- | § |
| Appellant, | § |
| v. | § Court Below—Superior Court of |
| | § the State of Delaware, in and for |
| | § New Castle County |
| STATE OF DELAWARE, | § Cr. ID No. 0801001836 |
| | § |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: April 4, 2012
Decided: April 30, 2012

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 30th day of April 2012, it appears to the Court that:

(1) On March 28, 2012, the Court received the appellant’s notice of appeal from the Superior Court’s order denying his motion to correct an illegal sentence, which was dated January 24, 2012 and docketed on January 30, 2012.¹ Pursuant to Supreme Court Rule 6, a timely notice of appeal

¹ The record before us reflects that the appellant originally sent the Court an “amended pleading” relating to another Superior Court Criminal Action Number on or about March 20, 2012. The Clerk informed the appellant that the case was closed. The appellant responded to the Clerk by letter stating that he wished to appeal the Superior Court’s order dated January 24, 2012 in the instant Criminal Action Number. The Clerk deemed that letter to be the appellant’s notice of appeal. The appellant later filed a second notice of appeal on April 4, 2012.

from the Superior Court's order should have been filed on or before February 29, 2012.

(2) On March 28, 2012, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why his appeal should not be dismissed as untimely filed. The appellant filed his response to the notice to show cause on April 4, 2012. Somewhat confusingly, the appellant states that his notice of appeal is timely because he mailed it through the prison mail room on April 5, 2012. The appellant provides no other explanation for his untimely filing.

(3) Pursuant to Rule 6(a)(iii), a notice of appeal in any postconviction proceeding must be filed within 30 days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.² A notice of appeal must be received by the Clerk of this Court within in the applicable time period in order to be effective.³ An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.⁴ Unless the appellant can demonstrate

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³ Supr. Ct. R. 10(a).

⁴ *Carr v. State*, 554 A.2d at 779.

that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁵

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).